

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
AKRON DIVISION**

**IN RE:  
MELISSA SUE RILEY SMITH  
DEBTOR**

**CASE NO. 22-50138-AMK  
CHAPTER 13**

**TRINITY FINANCIAL SERVICES, LLC'S OBJECTION  
TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Trinity Financial Services, LLC ("Secured Creditor"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 8), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 12, 2022.
2. Secured Creditor holds a security interest in the Debtor's real property located at 585 Eric Drive, Tallmadge, OH 44278 (the "Property"), by virtue of a Mortgage which is recorded in Official Records Book 55295467, of the Public Records of Summit County, OH. Said Mortgage secures a Note in the amount of \$28,400.00.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on February 16, 2022 (Doc 8), to which Secured Creditor objects for the following reasons:
  4. Debtor is attempting to cram down Secured Creditor's mortgage. Debtor has listed the secured portion of the mortgage to be \$34,953.00 and the remainder unsecured.
  5. Secured Creditor's Claim is not wholly unsecured and the Debtor may not cram down the Claim.
  6. Additionally, the valuation of the Property provided by the Debtor of \$131,480.00

appears to be significantly less than the estimated market value shown on multiple online real estate sites. Should this matter proceed, Secured Creditor would obtain a BPO or an appraisal.

**WHEREFORE**, Secured Creditor respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Secured Creditor as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/ Patrick Hruby

Patrick Hruby

(Bar No. 0085107)

Attorney for Creditor

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## CERTIFICATE OF SERVICE

I certify that on this date, a true and correct copy of the Objection to Confirmation of Debtor's Plan was served: Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Mark Franklin Graziani, Esq., Attorney for the Debtor, at Keith Rucinski, Chapter 13

Trustee, at [efilings@ch13akron.com](mailto:efilings@ch13akron.com)

United States Trustee at \*\*\*USTRUSTEE\_EMAIL\*\*\*

And by regular U.S. Mail, postage prepaid, to:

MELISSA SUE RILEY SMITH  
585 ERIC DR  
TALLMADGE, OH 44278

March 2, 2022

/s/ Patrick Hruby  
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